

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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|---------------------------|---|-----------------------|
| CHRISTOPHER C. ARMSTRONG, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:23-cv-00194-JAR |
| |) | |
| CHRISTINA WARD, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER OF TRANSFER

This matter is before the Court upon review of the complaint filed by plaintiff Christopher C. Armstrong, formerly incarcerated at the Saline County Jail in Marshall, Missouri. For the following reasons, this case will be transferred to the United States District Court for the Western District of Missouri.

Plaintiff brings this case under 42 U.S.C. § 1983 alleging violations of his Eighth Amendment rights against the following deputies at the Saline County Jail: Christina Ward, Scott Westlacht, and Robert Shively. Plaintiff alleges defendants subjected him to cruel and unusual punishment by tasing him without warning, failing to provide medical attention, and not feeding him for three days during his incarceration from December 8, 2021 to September 27, 2022.

Plaintiff's claims arise entirely from events occurring during his incarceration at the Saline County Jail, which is located in Marshall, Missouri in the Western District of Missouri. *See* 28 U.S.C. § 105(b)(1). Under 28 U.S.C. § 1391(b), an action of this type may be brought only in: "(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred . . . ; or (3) if there is no district in which an action may

otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action." 28 U.S.C. § 1391(b).

Because the events giving rise to plaintiff's claims occurred in the Western District of Missouri, venue is proper there. Under 28 U.S.C. § 1406(a), "[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." Here, the Court concludes that it is in the interest of justice to transfer this case to the United States District Court for the Western District of Missouri.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's application to proceed in the district court without prepaying fees or costs is **GRANTED**. [ECF No. 2]

IT IS FURTHER ORDERED that the Clerk of Court shall **TRANSFER** this case to the United States District Court for the Western District of Missouri. *See* 28 U.S.C. § 1406(a).

Dated this 21st day of February, 2023.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE